MINUTES

MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on April 13, 2015 at 9:00 A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Ellie Boldman Hill (D)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Keith Regier (R)
Rep. Kirk Wagoner (R)

Members Excused: None

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Executive Action: SB 262

00:00:58 Chair J. Bennett

EXECUTIVE ACTION ON SB 262

00:01:56 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN**.

00:02:10 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a01)

Discussion:
00:02:31 Helen Thigpen, Legislative Services Division (LSD)
00:03:11 Rep. Regier
00:03:31 Rep. Eck
00:05:08 Rep. Hill
00:05:42 Rep. Regier
00:06:01 Rep. Hill
00:09:14 Rep. Pease-Lopez
00:15:46 Rep. McConnell
00:16:27 Rep. Regier
00:16:45 Rep. McConnell
00:17:12 Rep. Regier
00:17:46 Rep. Fiscus
00:19:05 Rep. Regier

00:19:18 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

00:20:26 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

00:20:32 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a02)

Discussion:
00:20:38 Helen Thigpen, LSD
00:21:03 Chair J. Bennett

00:21:44 **Substitute Motion/Vote:** Rep. Eck made a substitute motion that **SB 262 BE TABLED**. Substitute Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye.

00:24:16 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

00:25:16 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

00:25:22 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a03)

Discussion:
00:25:30 Helen Thigpen, LSD
00:26:38 Rep. Court
00:29:44 Rep. Pease-Lopez
00:31:02 Chair J. Bennett
00:31:09 Rep. Regier

00:32:16 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

00:33:11 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

00:33:17 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a04)

Discussion:
00:33:26 Helen Thigpen, LSD
00:34:25 Rep. Regier
00:35:13 Rep. Kelker

00:39:15 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

00:40:04 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

00:40:10 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a05)

Discussion:
00:40:36 Helen Thigpen, LSD
00:41:18 Chair J. Bennett
00:42:16 Rep. MacDonald

00:43:00 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

00:43:47 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

00:43:53 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a06)

Discussion:
00:44:02 Helen Thigpen, LSD
00:44:37 Rep. Regier
00:45:29 Rep. MacDonald

00:47:37 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

00:48:27 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

00:48:36 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a07)

Discussion:
00:48:48 Helen Thigpen, LSD
00:49:15 Rep. Regier

00:49:39 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

00:50:26 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

00:50:32 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a08)

Discussion:
00:50:40 Helen Thigpen, LSD
00:51:11 Rep. Monforton
EXHIBIT(juh74a09)
00:56:10 Rep. Fiscus
00:58:16 Rep. Eck
00:59:46 Rep. Hill
01:01:53 Rep. Kelker
01:02:46 Helen Thigpen, LSD
01:03:35 Rep. Monforton

01:03:56 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

01:04:44 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

01:04:51 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a10)

Discussion:
01:05:00 Helen Thigpen, LSD
01:06:00 Rep. Eck left the meeting.
01:06:44 Rep. Regier

01:07:27 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Eck voted by proxy.

01:07:30 Rep. Eck rejoined the meeting.

01:08:26 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

01:08:37 **Motion:** Rep. Doane moved that **SB 262 BE AMENDED**.
EXHIBIT(juh74a11)

Discussion:
01:08:48 Helen Thigpen, LSD
01:09:42 Rep. Regier
01:10:10 Rep. Fiscus

01:10:37 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

01:11:21 **Motion:** Rep. Doane moved that **SB 262 BE CONCURRED IN AS AMENDED**.

01:11:31 **Substitute Motion:** Rep. Regier made a substitute motion that **SB 262 BE NOT CONCURRED IN AS AMENDED**.

Discussion:
01:11:55 Rep. Court

01:12:44 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

01:13:37 Rep. Court
01:13:59 Chair J. Bennett

ADJOURNMENT

Adjournment: 01:14:37

McKenzie Chambers, Secretary

mc

Additional Documents:

EXHIBIT(juh74aad.pdf)

EXHIBIT 1
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Helen Thigpen
April 11, 2015 (10:48am)

1. Page 16, line 9 through page 22, line 28.
Strike: page 16, line 9 through page 22, line 28 in their entirety.
Insert: "The Tribes shall not have an Instream Flow water right in a watercourse or in any reach of a watercourse outside the boundaries of the Flathead Indian Reservation."

- END -

EXHIBIT 2
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Gerald (Jerry) Bennett

For the House Judiciary Committee

Prepared by Helen Thigpen
April 11, 2015 (8:23am)

1. Page 140, line 1.
Insert: "NEW SECTION. **Section 14. Contingent voidness.** If House Bill No. 2 does not include $55 million for the state contribution to settlement as provided in [this act], then [this act] is void."
Renumber: subsequent sections

- END -

EXHIBIT 3
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Helen Thigpen
April 13, 2015 (7:54am)

1. Page 28, line 3.
Strike: "85-2-302, 85-2-307 through 85-2-310, and 85-2-314"
Insert: "Title 85, chapter 2, part 3"

2. Page 28, line 5.
Strike: "subsections (1) through (3) and (8) through (17) of 85-2-402"
Insert: "Title 85, chapter 2, part 4"

3. Page 29, line 11 through "85-2-314" on line 12.
Strike: "85-2-302," on line 11 through line 12
Insert: "Title 85, chapter 2, part 3"

4. Page 29, line 13.
Strike: "the following provisions of State law"
Insert: "Title 85, chapter 2, part 4, MCA,"

5. Page 29, line 14 through line 16.
Strike: ":" on line 14 through "85-2-407, MCA" on line 16
Following: "provided" on line 16
Strike: ","
Following: "that" on line 16
Insert: "for purposes of 85-2-407, MCA,"

6. Page 29, line 17 through line 18.
Strike: ";" on line 17 through "Article IV.B.6.a.iii.2.a" on line 18

7. Page 31, line 28.
Strike: "85-2-302, 85-2-307 through 85-2-310, and 85-2-314"
Insert: "Title 85, chapter 2, part 3"

8. Page 31, line 30 through page 32, line 2.
Strike: ":" on page 31, line 30 through "85-2-407, MCA" on page 32, line 2
Following: "that" on page 32, line 2
Insert: "for purposes of 85-2-407, MCA,"

9. Page 32, line 4 through line 5.

Strike: ";" on line 4 through "Article IV.B.6.c.vi.1" on line 5

10. Page 32, line 8.
Strike: "1 through 3"

11. Page 32, line 10.
Insert: "1 through 3"

12. Page 32, line 12.
Strike: "1 through 3"

- END -

Explanation - This amendment strikes language excluding the CSKT from compliance with state law for off reservation water transfers.

EXHIBIT 4
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Helen Thigpen
April 13, 2015 (7:13am)

1. Page 28, line 9 through line 13.
Strike: "the Tribes" on line 9 through "to agree," on line 13

2. Page 29, line 21 through line 24.
Strike: "the Tribes" on line 21 through "to agree," on line 24

3. Page 32, line 8 through line 11.
Strike: "the Tribes" on line 8 through "to agree," on line 11

- END -

Explanation - This amendment strikes language excluding the CSKT from compliance with later amendments to state law that may occur by the Legislature for off reservation water transfers.

EXHIBIT 5
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Gerald (Jerry) Bennett

For the House Judiciary Committee

Prepared by Helen Thigpen
April 13, 2015 (8:03am)

1. Page 7, line 7.
Following: "Appendix 3.3"
Insert: "; however, the Historic Farm Deliveries are 1 1/2 Acre-feet a year for land with a clay subsoil and 2 to 4 Acre-feet a year for land with a sandy gravelly subsoil"

- END -

EXHIBIT 6
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary

Prepared by Jason Mohr
April 11, 2015 (10:50am)

1. Page 12, line 29.
Strike: "with the"
Insert: "to the historic level of"

2. Page 12, line 29 through line 30.
Strike: "filling" on line 29 through "Appendix 7" on line 30
Insert: ", unless otherwise provided for by Federal Energy Regulatory Commission licensing requirements"

3. Page 14, line 20 through line 21.
Strike: "an elevation" on line 20 through "Appendix 18" on line 21
Insert: "historic level, unless otherwise provided for by Federal Energy Regulatory Commission licensing requirements"

4. Page 14, line 22.
Following: "immemorial."
Insert: "The Tribes may not assess a fee, charge, or levy of any kind upon owners of lakeshore property for the purposes of maintaining Flathead Lake levels."

- END -

Explanation - Regarding Flathead Lake Levels: Unless otherwise required by the Federal Energy Regulator Commission, the Tribes shall maintain Flathead Lake levels at historic levels, without any fee, charge, or levy of any kind on the owners of lakeshore land.

EXHIBIT 7
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Jason Mohr
April 11, 2015 (10:50am)

1. Page 13.
Following: line 12
Insert: "xii. Use of the 90,000 Acre-feet per year of storage water from Hungry Horse Reservoir may not materially and adversely impact the historic operations of Hungry Horse Dam in conformance with applicable Federal Energy Regulatory Commission licensing requirements."

- END -

Explanation - Regarding Hungry Horse Dam operations: The CSKT agree not to use or attempt use of their rights to water behind Hungry Horse Dam in a manner that would materially, adversely impact the historic operations of Hungry Horse Dam as required by FERC.

EXHIBIT 8
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Matthew Monforton

For the House Judiciary Committee

Prepared by Jason Mohr
April 13, 2015 (8:12am)

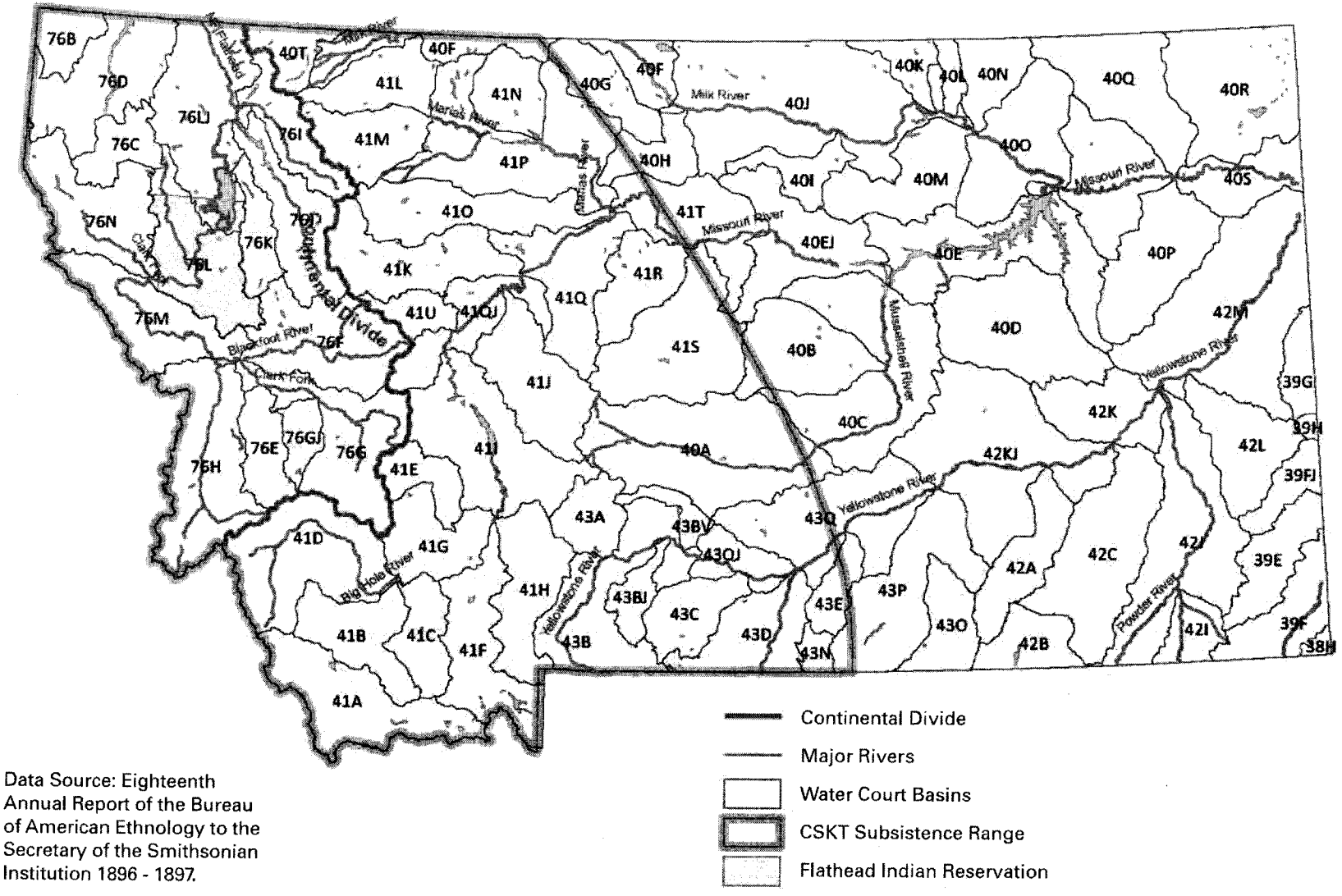
1. Page 49, line 17.
Strike: "expressly reserve all rights not granted, recognized or relinquished"
Insert: "agree that all aboriginal rights not expressly granted or recognized"

2. Page 49, line 20.
Following: "(12 Stat. 975)"
Insert: "are hereby relinquished for all locations east of the continental divide"

- END -

Explanation - Unless the compact states otherwise, this amendment relinquishes all tribal rights and claims east of the Continental Divide.

MAP 2: Confederated Salish Kootenai Tribes Subsistence Range



* Data Source: Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution 1896 - 1897.

EXHIBIT 9
DATE 4/13/15
SB 262
HB

EXHIBIT 10
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Joe Kolman
April 12, 2015 (3:17pm)

1. Page 16, line 8.
Following: "Rights"
Insert: "and Activities"

2. Page 22, line 29.
Following: line 28
Insert: "9. Tribal members may fish and construct temporary buildings for curing at usual and accustomed places pursuant to the Hellgate Treaty of 1855, 12 Stat. 975, and regulations established by the Tribes. Neither the Tribes nor a Tribal member may transfer, assign, or license this right to any person who is not a Tribal member or to any other entity. Non Tribal members may fish at usual and accustomed places pursuant to the Hellgate Treaty of 1855, 12 Stat. 975, only in accordance with all applicable state fishing and access laws and regulations. The location and extent of usual and accustomed places as well as the nature of temporary buildings for curing must be established by a preponderance of evidence through a declaratory judgment action brought in state district court by the Tribes or a Tribal member wishing to use the right to fish at usual and accustomed places. The district court shall declare the existence of a usual and accustomed place as well as the terms and conditions of such use, and the plaintiff carries the burden of proof by a preponderance of the evidence. A declaratory judgment action in state district court brought by the Tribes does not waive the Tribes' sovereign immunity for any relief or action beyond that particular matter. No attorney fees may be awarded against any original party to such an action, except for violations of the rules of civil procedure as determined by the district court."

- END -

EXHIBIT 11
DATE 4/13/15
SB 262

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Joe Kolman
April 13, 2015 (7:55am)

1. Page 6, line 18.
Following: "that is"
Insert: "claimed and"

2. Page 6, line 21.
Following: "Article IV.D.2."
Insert: "The Flathead Joint Board of Control, the operating agent of the Flathead, Mission, and Jocko Valley Irrigation Districts, owns claims on this water right that are filed in the Montana water adjudication for water delivered by the FIIP to fee lands. These claims under 85-2-227, MCA, are prima facie proof of their content until the issuance of a final decree. These and any other claims to this water right, including but not limited to those of the United States or the Tribes, shall be adjudicated de novo by the Montana Water Court. All aspects of the right to water delivered by the FIIP, including but not limited to ownership, terms of ownership, priority date, volume, places of diversion, and other relevant factors and characteristics, must be determined by the Montana Water Court as part of the Montana general stream adjudication."

3. Page 9, line 23.
Strike: "Article III.C.1.a"
Insert: "Article III.C.1.b"

4. Page 9, line 26.
Following: "Tribes."
Insert: "The Tribal Water Right does not include the FIIP Water Use Right or any claim of a water right of whatever nature, on or off reservation, to water controlled by the FIIP, including but not limited to irrigation water deliveries and instream flows."

5. Page 10, line 26.
Following: "The Tribes"
Insert: "do not"

6. Page 10, line 29.
Strike: "Tribal Water"

Insert: "FIIP Water Use"

7. Page 11, line 2.
Strike: "portion" through "1855"
Insert: "FIIP Water Use Right must be determined by the Montana Water Court as part of the Montana general stream adjudication"

8. Page 28, line 24.
Strike: "III.C.1.a, b"
Insert: "III.C.1.b"

9. Page 34, line 19.
Strike: "Certain Portions of"
Strike: "Related to"
Insert: "and"
Following: "FIIP"
Insert: "Water Use Right"

10. Page 34, line 20.
Strike: "Priority" through "Use Rights."

11. Page 34, line 21.
Strike: "the following" through "apply"
Insert: "the water court decree shall determine the priority among the following water rights"

12. Page 36, line 27.
Strike: "Entitlement Statement"

13. Page 36, line 28 through page 37, line 3.
Strike: "if the FIIP" on page 36, line 28 through "guidelines for FIIP" on page 37, line 3

14. Page 61, line 28.
Strike: "Article III.C.1.a"
Insert: "Article III.C.1.b"

15. Page 62, line 1.
Following: "Tribes."
Insert: "The Tribal Water Right does not include the FIIP Water Use Right or any claim of a water right of whatever nature, on or off reservation, to water controlled by the FIIP, including but not limited to irrigation water deliveries and instream flows."

- END -

Explanation - Ownership of Flathead Indian Irrigation Project water delivered to fee lands. Changes definition of Tribal Water

Right to exclude FIIP Water Use Right. States FIIP Water Use Right and any other claims to water delivered to FIIP water must be adjudicated in Montana Water Court. Strikes reference to delivery entitlement statement for FIIP users.

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS
May include the following:

Business Page
[Signed by Chairman]
Roll Call
Standing Committee Reports
Tabled Bills
Fiscal Reports
Rolls Call Votes
Proxy Forms
Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**
***Witness Statements that were not presented as exhibits.**

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2015 Legislative
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BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Monday, April 13, 2015
Place: Capitol

Time: 9:00 A.M.
Room: 137

BILLS and RESOLUTIONS HEARD:

None

EXECUTIVE ACTION TAKEN:

SB 262 - Do not concur as amended

Comments:

REP. Gerald (Jerry) Bennett, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR	X	
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK	X	
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD	X	
REP. ELLIE BOLDMAN HILL	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER	X	
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 262** (third reading copy -- blue) **be not concurred in as amended.**

Signed: _____
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Page 6, line 18.
Following: "that is"
Insert: "claimed and"

2. Page 6, line 21.
Following: "Article IV.D.2."
Insert: "The Flathead Joint Board of Control, the operating agent of the Flathead, Mission, and Jocko Valley Irrigation Districts, owns claims on this water right that are filed in the Montana water adjudication for water delivered by the FIIP to fee lands. These claims under 85-2-227, MCA, are prima facie proof of their content until the issuance of a final decree. These and any other claims to this water right, including but not limited to those of the United States or the Tribes, shall be adjudicated de novo by the Montana Water Court. All aspects of the right to water delivered by the FIIP, including but not limited to ownership, terms of ownership, priority date, volume, places of diversion, and other relevant factors and characteristics, must be determined by the Montana Water Court as part of the Montana general stream adjudication."

3. Page 7, line 7.
Following: "Appendix 3.3"
Insert: "; however, the Historic Farm Deliveries are 1 1/2 Acre-feet a year for land with a clay subsoil and 2 to 4 Acre-feet a year for land with a sandy gravelly subsoil"

Committee Vote:
Yes 11, No 10
Fiscal Note Required X

SB0262001SC.hbb

4/13/15
1pm

4. Page 9, line 23.
Strike: "Article III.C.1.a"
Insert: "Article III.C.1.b"

5. Page 9, line 26.
Following: "Tribes."
Insert: "The Tribal Water Right does not include the FIIP Water Use Right or any claim of a water right of whatever nature, on or off reservation, to water controlled by the FIIP, including but not limited to irrigation water deliveries and instream flows."

6. Page 10, line 26.
Following: "The Tribes"
Insert: "do not"

7. Page 10, line 29.
Strike: "Tribal Water"
Insert: "FIIP Water Use"

8. Page 11, line 2.
Strike: "portion" through "1855"
Insert: "FIIP Water Use Right must be determined by the Montana Water Court as part of the Montana general stream adjudication"

9. Page 12, line 29 through line 30.
Strike: "with the" on line 29
Insert: "to the historic level of"
Strike: "filling" on line 29 through "Appendix 7" on line 30
Insert: "unless otherwise provided for by Federal Energy Regulatory Commission licensing requirements"

10. Page 13.
Following: line 12
Insert: "xii. Use of the 90,000 Acre-feet per year of storage water from Hungry Horse Reservoir may not materially and adversely impact the historic operations of Hungry Horse Dam in conformance with applicable Federal Energy Regulatory Commission licensing requirements."

11. Page 14, line 20 through line 21.
Strike: "an elevation" on line 20 through "Appendix 18" on line 21
Insert: "historic level unless otherwise provided for by Federal Energy Regulatory Commission licensing requirements"

12. Page 14, line 22.
Following: "immemorial."

Insert: "The Tribes may not assess a fee, charge, or levy of any kind upon owners of lakeshore property for the purposes of maintaining Flathead Lake levels."

13. Page 16, line 8.
Following: "Rights"
Insert: "and Activities"

14. Page 16, line 9 through page 22, line 28.
Strike: page 16, line 9 through page 22, line 28 in their entirety.
Insert: "1. The Tribes shall not have an Instream Flow water right in a watercourse or in any reach of a watercourse outside the boundaries of the Flathead Indian Reservation."

15. Page 22, line 29.
Following: line 28
Insert: "2. Tribal members may fish and construct temporary buildings for curing at usual and accustomed places pursuant to the Hellgate Treaty of 1855, 12 Stat. 975, and regulations established by the Tribes. Neither the Tribes nor a Tribal member may transfer, assign, or license this right to any person who is not a Tribal member or to any other entity. Non Tribal members may fish at usual and accustomed places pursuant to the Hellgate Treaty of 1855, 12 Stat. 975, only in accordance with all applicable state fishing and access laws and regulations. The location and extent of usual and accustomed places as well as the nature of temporary buildings for curing must be established by a preponderance of evidence through a declaratory judgment action brought in state district court by the Tribes or a Tribal member wishing to use the right to fish at usual and accustomed places. The district court shall declare the existence of a usual and accustomed place as well as the terms and conditions of such use, and the plaintiff carries the burden of proof by a preponderance of the evidence. A declaratory judgment action in state district court brought by the Tribes does not waive the Tribes' sovereign immunity for any relief or action beyond that particular matter. No attorney fees may be awarded against any original party to such an action, except for violations of the rules of civil procedure as determined by the district court."

16. Page 28, line 3.
Strike: "85-2-302, 85-2-307 through 85-2-310, and 85-2-314"
Insert: "Title 85, chapter 2, part 3"

17. Page 28, line 5.
Strike: "subsections (1) through (3) and (8) through (17) of 85-2-402"

Insert: "Title 85, chapter 2, part 4"

18. Page 28, line 9 through line 13.
Strike: "the Tribes" on line 9 through "to agree," on line 13

19. Page 28, line 24.
Strike: "III.C.1.a, b"
Insert: "III.C.1.b"

20. Page 29, line 11 through line 12.
Strike: "85-2-302," on line 11 through "85-2-314" line 12
Insert: "Title 85, chapter 2, part 3"

21. Page 29, line 13.
Strike: "the following provisions of State law"
Insert: "Title 85, chapter 2, part 4, MCA,"

22. Page 29, line 14 through line 16.
Strike: ":" on line 14 through "85-2-407, MCA" on line 16
Following: "provided" on line 16
Strike: ","
Following: "that" on line 16
Insert: "for purposes of 85-2-407, MCA,"

23. Page 29, line 17 through line 18.
Strike: ";" on line 17 through "Article IV.B.6.a.iii.2.a" on line 18

24. Page 29, line 21 through line 24.
Strike: "the Tribes" on line 21 through "to agree," on line 24

25. Page 31, line 28.
Strike: "85-2-302, 85-2-307 through 85-2-310, and 85-2-314"
Insert: "Title 85, chapter 2, part 3"

26. Page 31, line 30 through page 32, line 2.
Strike: ":" on page 31, line 30 through "85-2-407, MCA" on page 32, line 2
Following: "that" on page 32, line 2
Insert: "for purposes of 85-2-407, MCA,"

27. Page 32, line 4 through line 5.
Strike: ";" on line 4 through "Article IV.B.6.c.vi.1" on line 5

28. Page 32, line 8 through line 11.
Strike: "1 through 3" on line 8
Strike: "the Tribes" on line 8 through "to agree," on line 11

29. Page 32, line 12.

Strike: "1 through 3"
30. Page 34, line 19.
Strike: "Certain Portions of"
Strike: "Related to"
Insert: "and"
Following: "FIIP"
Insert: "Water Use Right"

31. Page 34, line 20.
Strike: "Priority" through "Use Rights."

32. Page 34, line 21.
Strike: "the following" through "apply"
Insert: "the water court decree shall determine the priority among the following water rights"

33. Page 36, line 27.
Strike: "Entitlement Statement"

34. Page 36, line 28 through page 37, line 3.
Strike: "if the FIIP" on page 36, line 28 through "guidelines for FIIP" on page 37, line 3

35. Page 49, line 17.
Strike: "expressly reserve all rights not granted, recognized or relinquished"
Insert: "agree that all aboriginal rights not expressly granted or recognized"

36. Page 49, line 20.
Following: "(12 Stat. 975)"
Insert: "are hereby relinquished for all locations east of the continental divide"

37. Page 61, line 28.
Strike: "Article III.C.1.a"
Insert: "Article III.C.1.b"

38. Page 62, line 1.
Following: "Tribes."
Insert: "The Tribal Water Right does not include the FIIP Water Use Right or any claim of a water right of whatever nature, on or off reservation, to water controlled by the FIIP, including but not limited to irrigation water deliveries and instream flows."

39. Page 140, line 1.
Insert: "NEW SECTION. **Section 14. Contingent voidness.** If House Bill No. 2 does not include $55 million for the state contribution to settlement as provided in [this act], then [this

act] is void."
Renumber: subsequent sections

- END -

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER Amendment SB0 26202. AHT DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB 262 DATE 4/13/15

MOTION BE Tabled - Substitute Motion

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN		X	
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE		X	
REP. RANDALL PINOCCI		X	
REP. CLAYTON FISCUS		X	
REP. JENNY ECK	X		
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON		X	
REP. MARGIE MACDONALD	X		
REP. ELLIE BOLDMAN HILL	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. SARAH LASZLOFFY		X	
REP. THERESA MANZELLA		X	
REP. NATE MCCONNELL	X		
REP. STEPHANIE HESS		X	
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER		X	
REP. ANDREW PERSON	X		
REP. KEITH REGIER		X	
REP. JERRY BENNETT, CHAIRMAN		X	

21 MEMBERS

10 11

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB026203.AHT DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB026204.AHT DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

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MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB0026205.AHT DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB 262 07 AHH DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

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MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB0262 41.AJM DATE ~~4/6~~ 4/13/15

MOTION BC Amendcol

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB0262A2, AJM DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB0262 7/.AJM DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB0268202.AJK DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	X
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB0262201.ASK DATE 4/13/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB 262 DATE 4/13/15

MOTION Substitute Motion - Be not concurred in as amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Jenny Eck

Committee because of other commitments, I desire to leave my proxy vote with:

VIRGINIA COURT

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB0262 02 AJK		✓

BILL/AMENDMENT	AYE	NO

Rep. _____ Date 4/13/15
(Signature)

ADDITIONAL DOCUMENTS

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Helen Thigpen
April 10, 2015 (4:16pm)

1. Page 50, line 6 through line 20.
Following: "Settlement."
Strike: "The Parties" on line 6 through "enhancement." on line 20
Insert: "The State shall not make any contribution to settlement for purposes of this Compact."

2. Page 51, line 9.
Following: "Compact;"
Insert: "or"

3. Page 51, line 11 through line 16.
Strike: ";" on line 11 through "VI.A" on line 16

4. Page 51, line 28.
Following: "law;"
Insert: "or"

5. Page 51, line 29 through line 30.
Strike: line 29 through line 30 in their entirety
Renumber: subsequent subsections

- END -

Explanation - This amendment prohibits the state from making a contribution to settle the Compact.

ADDITIONAL DOCUMENTS

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Helen Thigpen
April 12, 2015 (7:44pm)

1. Page 26, line 29 through line 30.
Following: "Tribes" on line 29
Strike: ","
Insert: "or"
Strike: ", Allottees, or their lessees or assigns" on line 30

- END -

Explanation - This amendment strikes the references to "allottees" or "lessees or assigns" for purposes of who is entitled to use the tribal water right.

ADDITIONAL DOCUMENTS

Amendments to Senate Bill No. 262
3rd Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Jason Mohr
April 11, 2015 (10:50am)

1. Page 5, line 15.
Following: "right."
Insert: "No portion of a senior Tribal Water Right exercised through a Call may be modified by an authorized Change in Use."

2. Page 57, line 12.
Following: "right."
Insert: "No portion of a senior Tribal Water Right exercised through a Call may be modified by an authorized Change in Use."

- END -

Explanation - Call restrictions: If the Tribes or any person using their rights exercise their water rights under the Compact to place a "call" on junior users, the Tribes shall not change or modify the use of the water at issue, for example from irrigation to industrial.